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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000341

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TAGS: [PREL](#) [PGOV](#) [PTER](#) [KDEM](#) [NP](#)
SUBJECT: NEPAL: 16 DAYS UNTIL CA ELECTION

Classified By: Deputy Chief of Mission Randy W. Berry. Reasons 1.4 (b/d).

Summary

11. (SBU) With 16 days until the April 10 Constituent Assembly election, there are widespread reports, including notably by the UN Mission in Nepal, of increasing electoral violence. In the past week, Madhesi militants allegedly killed a candidate from a minor, left party in the mid-western Terai, the first candidate to be killed in pre-election violence. Additionally, two Maoist cadres were killed in Rolpa district, sparking strong complaints by the Maoists. Meanwhile, the Maoists are going strong in Rupandehi, in the mid-western Terai. Madhesi leaders continue to struggle to negotiate an alliance with each other. The Election Commission is putting the finishing touches on the proportional representation (PR) candidate lists, eliminating names that appear under multiple parties or in both PR and first- past-the-post races. An election hotline came on track to record electoral abuses.

UNMIN Issues Stern Election Report

12. (SBU) On March 22, the United Nations Mission in Nepal (UNMIN), in conjunction with the UN Office of the High Commissioner for Human Rights, released the first in a series of Constituent Assembly (CA) election reports describing a country filled with increasing electoral violence and Electoral Code of Conduct violations. UNMIN reported that detonations of improvised explosive devices near Government of Nepal (GON), party, and media offices, and the residences of the candidates and government officials had become particularly prevalent in the eastern Terai. There had been credible complaints about the misuse of state resources by candidates of governing parties, from the partisan use of individual ministries to interference in police recruitment and use of government vehicles in campaign activities, according to the report. A number of commanders and members of the Maoist People's Liberation Army (PLA), in violation of the Comprehensive Peace Accord (CPA), had been nominated and were campaigning as candidates for the CA election. UNMIN

stated that it had drawn the attention of the Maoist leadership to this issue. Maoist chief Pushpa Dahal (aka Prachanda), following the lead of the Nepal Army -- which suspended leave for all ranks except in emergencies from March 20 -- ordered that PLA cadres should not be granted leave, and those on leave should return to the cantonments. According to UNMIN, however, many PLA personnel were already on leave -- in some cases exceeding the 12 percent maximum permitted -- and campaigning when Prachanda issued this order. The National Democratic Institute's Nepal Office issued a similar, private report March 23 highlighting the increasing electoral violence.

First Candidate Killed in Pre-Election Violence

¶3. (C) Madhesi armed groups began to follow through on threats to kill candidates (reftel). The Janatantrik Terai Mukti Morcha (People's Terai Liberation Front) - Jwala Singh (JTMM-J) claimed responsibility for shooting Kamal Adhikari, a candidate from Banke district in the mid-western Terai from the minor, left National People's Front, on March 18. Adhikari died the following day, the first candidate to succumb to pre-election violence. (Note: Adhikari was from one of the two factions of the People's Front not in the governing Six-Party Alliance or SPA; the third faction, People's Front Nepal, is part of the GON. Adhikari's party has only three seats in the Interim Parliament and is not expected to win many seats in the CA election. It is one of the few parties vehemently opposed to changing Nepal into a federal state. End note.) Subodh Pyakurel, President of the prominent human rights NGO Informal Sector Service Center (INSEC), reported to post March 24 that two of the people

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accused of killing Adhikari had done so under the directives of JTMM-J but had also been campaigning for the Maoists. Pyakurel added that Madhesi militants had infiltrated all of the seven major political parties. Embassy sources speculated that Adhikari's killing was intended to persuade Prime Minister Koirala to reverse his recent public pledge not to hold talks with the armed groups until after the election. On March 21, Peace and Reconstruction Minister Ram Chandra Poudel sent formal invitations to talks to four of the groups, including JTMM-J.

Concern Over Maoist Intentions

¶4. (C) At a meeting March 24 of the SPA and the Maoists at the Prime Minister's residence, PM Koirala raised his concern that the increasing electoral violence was fanning rumors that the election might not take place, according to a participant from the PM's Nepali Congress (NC), Minendra Rijal. Prachanda, who was present, also decried the killings of Maoist cadres. Two were reportedly shot dead on March 19 in Rolpa District (the former Maoist heartland). A journalist told Ambassador on March 23 that the Maoists have alleged, without offering any proof, that the Nepal Army was behind the killing. Rijal, who is a senior candidate on the NC's proportional representation (PR) list, informed Emboff that he was worried the Maoists, who now realized that they were going to do poorly in the election, might try to prevent the election from happening. Another Maoist option would be to cause problems in two polling stations in at least 100 of the 240 first-past-the-post constituencies so the validity of the entire election would be called into doubt.

Maoists Strong, Madhesis Weak in Bhairahawa

¶5. (C) On March 17, the District Election Officer for the western Terai district of Rupandehi stated to post's Public Affairs Officer that the Maoist graffiti and signs observed all over the district capital of Bhairahawa pre-dated the Code of Conduct. He implied the Maoists therefore did not

have to remove them. (Comment: In fact, there is no such exception. More likely, district officials lack the courage to enforce the law.) Emboff's meetings with the Chief District Officer, District Superintendent of Police, the acting mayor, and industrialists during this trip revealed limited allegiance to Madhesi parties. PAO was told that the low proportion of Madhesis in Bhairahawa, unusual among major Terai cities for its "pahadi" (hill people) majority, has prevented the Madhesi parties from gaining as strong a foothold as in other border districts. It has also allowed the Maoists to sustain a presence and influence they have lost elsewhere in the Terai. Interlocutors reported that Maoist extortion of the business community was so extreme and regularized that one of the oldest, most successful business families in Bhairahawa chose India as the location for its most recent investment.

Madhesi Parties Struggle to Negotiate Alliance

16. (C) According to most private and public sources, an electoral alliance among the three United Democratic Madhesi Front (UDMF) parties appears unlikely. The press reports that Upendra Yadav's Madhesi People's Rights Forum (MPRF) has insisted to Mahanta Thakur's Terai-Madhes Democratic Party (TMDF) that its candidates, not Thakur's, become the UDMF designees in a majority of the constituencies. The MPRF is also reportedly dismissive of the ability of Rajendra Mahato's Sadbhavana Party to deliver many votes. Rijal, who has just returned from the eastern Terai, explained March 24 that an agreement might still be possible because the MPRF and the TMDF were strong in different parts of the Terai. The MPRF had the most support in the eastern Terai, while the TMDF was based in the central Terai. Manoj Yadav, a member of the MPRF, said recently that party workers at the district level were frustrated with the time Madhesi leaders have

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wasted arguing in Kathmandu. He assessed that disagreements among these parties and the NC in the Terai was likely to benefit the Communist Party of Nepal - United Marxist Leninist, which already appeared to be ahead on the national level.

Election Commission Uncovers Duplicitous Candidates

17. (C) The Election Commission (EC) has declared that March 24 was the last day for filing complaints against candidates on the PR lists. EC Joint Secretary Raju Man Singh said on March 19 that the EC had found many candidates who had filed from more than one party or who had filed in both first-past-the-post and PR races. Candidates must choose between withdrawing from multiple listings or face disqualification under the election laws. INSEC announced that it was launching a hotline to track election-related violence and abuses.

Comment

18. (C) With only 16 days to go until the Constituent Assembly election, a postponement still cannot be completely ruled out. One reason for the March 24 meeting of the Six-Party Alliance-Maoist meeting was to allay public concerns that electoral violence, particularly by the Maoists and Madhesi extremists, was starting to spin out of control. The meeting's outcome was a fairly bland restatement of the governing parties' commitment to an election. On March 20, post issued its own statement expressing condolences for Adhikari's death and urging an end to electoral violence, notably by Madhesi militants and the Maoists. The recently offered talks between the Government of Nepal and the four Madhesi armed groups could lead to a cease-fire, but preconditions by the Madhesi -- such as the UN must mediate the talks -- could mean the talks never get off the ground.

Additionally, Peace Minister Poudel's record of success is at best mixed. It is not clear that he has much he can offer the militants. The Maoists, meanwhile, are said to be confronting major questions of their own. No one really knows if they will accept a somewhat distant third-place finish, which many observers now expect. UNMIN is clearly concerned about what a poor showing would mean for PLA combatants in cantonments. But, even if the PLA stay put, the Maoist Young Communist League will continue to face few challenges to its reign of violence, at least in the immediate post-election environment. The weather is not the only thing heating up these days in Nepal.

POWELL